

Task Force on Communications and Technology Meeting Agenda

Annual Meeting 2015 | San Diego, California

Thursday, July 23, 2015

2:30 - 5:30 PM

Task Force Chairs: Representative Garry Smith, South Carolina, and Mr. Rick Cimerman, NCTA

2:30 PM Call to Order

Welcome and Introductions

Approval of Minutes from the Spring Task Force Summit 2015

Subcommittee Reports

Presentations and Model Policy

2:45 PM Presentation: The Present and Future of Spectrum Opportunities: Building Block of Innovation
Adam Krinsky, Wilkinson Barker Knauer; Rick Cimerman, NCTA

3:10 PM Model policy review: Resolution on Government Tax Preparation and Electronic Filing

3:15 PM Model policy review: Travel Agent Tax Fairness Act

3:30 PM Presentation: Government Owned Networks and the Preemption of State Laws
Tom Giovanetti, IPI; Arthur Martinez, CenturyLink; Michael J. Santorelli, Advanced Communications Law & Policy Institute, New York Law School

4:00 PM Focus on the States: Utilizing Technology to Promote Efficiencies in Government
Rep. Jason Saine(NC); Moderated by Bartlett Cleland

4:15 PM Model policy review: Model State Bill Prohibiting Wireless Handsets in Prisons

4:25 PM Presentation: The Privacy Implications of Drones: Unmanned Aircraft Vehicle/System (Drones)
Privacy Protection Ordinance
Jon Russell, ACCE

4:45 PM Report: Smart Cities
Lily Moriarty, ALEC

4:55PM Presentation: Technology Policy Trends in California and Across the Country
Kevin Callahan | Director, State Government Affairs – Northeast Computing Technology Industry Association(CompTIA)

5:15 PM Good of the Order

5:20 PM Adjournment

To access an electronic copy of these documents, please visit:
<http://www.alec.org/task-forces/telecommunications-and-information-technology>

COMMUNICATIONS AND TECHNOLOGY TASK FORCE

May 15, 2015
Savannah, Georgia
2:00PM – 4:17 PM

MINUTES

Introduction and Meeting Minutes Approval

The meeting of the Communications and Technology Task Force was called to order at 2:00 PM. After the meeting was called to order, the Task Force unanimously approved the minutes from its December 2014 States and Nation Policy Summit.

Model Policy Review

The Task Force heard reports from the subcommittees recommending retention of the Wireless Communications Tower Siting Act and the Required Warning Labels on Wireless Devices and Packaging. The Task Force voted unanimously to retain the policies.

Subcommittee Reports and Presentations

After voting to retain the policies, the Task Force heard a presentation on the Federal Communications Commission's decision to reclassify the internet as a Title II telecommunications service and its decision to preempt state regulations preventing municipally owned broadband networks.

The Task Force also heard that U.S. Representative Mick Mulvaney would not be able to present, as planned, due to a family emergency. Since the planned theme of the discussion was "The Patriot Act and Privacy," the Task Force briefly discussed privacy issues, the NSA's surveillance program and federal legislative efforts to address those privacy issues.

The Task Force heard a panel discussion from Emory Wilkerson, Eli Lehrer, and Carl Szabo on the topic of Transportation Network Companies and Insurance. The panel discussed how the insurance industry and transportation network companies were able to create a successful partnership relating to various insurance and technology issues.

Finally, the Task Force heard from Tino Mantella, President of the Technology Association of Georgia. In a conversational presentation, Mr. Mantella spoke on technology policy trends and technology use in Georgia and across the country.

Adjournment

The Task Force adjourned its meeting at 4:18PM.

Resolution on Government Tax Preparation & Electronic Filing

WHEREAS, a program that is important to the citizens of the United States may be in jeopardy as the result of decisions being made in the Federal Government; and

WHEREAS, 50 percent of the states that have an individual income tax have banded together to implement an innovative solution to meet the needs of the low income and working poor taxpayers; and

WHEREAS, this innovative solution, called the State Free File, has been developed where Public need and Private corporate citizenship work together, in an era of fiscal limits and new challenges; and

WHEREAS, the State Free File online tax program is based on the Free File Policy Agreement reached between the Internal Revenue Service and the tax software industry several years ago, whereby working poor and other lower income families and individuals are able to obtain free online tax preparation and electronic filing for their federal and state tax returns; and

WHEREAS, the program saves the state budgets the high cost of creating an alternate tax preparation and filing service, with all the systems and costs that would be required to build, operate, maintain, and provide such a program. Twenty-one states have decided to participate in the Free File public-private partnership solution, creating Free File programs in their states. This has saved their State Governments billions of dollars, while providing free services to those who need them; and

WHEREAS, the IRS negotiated the terms of the national Free File Agreement with the software providers, this agreement is the common basis for all the Free File programs in the twenty-one Free File states; and

WHEREAS, that same IRS Free File program has been strengthened and enhanced over time to include governing standards, requirements and safeguards that advanced the public interest and created a model for quality collaboration between the public and private sectors, and said Free File Agreement has recently been extended and renewed by the IRS through 2014; and

WHEREAS, the Free File Program provides competitive consumer choice among service providers, and relies upon private sector innovation and invention to simplify tax compliance while preserving the independence and objectivity of private tax preparation for the citizen; and

Travel Agent Tax Fairness Act

Summary

-This legislation establishes a sensible framework to eliminate confusion and controversy in the imposition of sales and hotel occupancy taxes on services provided by travel agents and other travel intermediaries. The legislation clarifies that a travel agent service which helps travelers to research, compare, and book hotel reservations is not subject to those taxes that are imposed on hotel operators for the provision of a room. By clarifying that taxes imposed as a sales tax on a hotel room and/or hotel tax or occupancy tax shall apply only to the amounts received by hotel operators, this legislation will promote continued growth in travel and tourism.

Legislation

Section 1. {Title} This Act may be cited as the "Travel Agent Tax Fairness Act."

Section 2. {Legislative Findings} The Legislature finds that:

(A) Travel agents and online travel companies provide valuable services to travelers, showing comparisons of rates and amenities offered by multiple, competing hotel operators.

(B) These facilitation services are distinct from the provision of a room by the hotel where the traveler eventually stays.

(C) Travelers rely on community travel agents and online travel ~~companies~~ agents to research, compare, and book reservations.

(D) Sales taxes on hotel room and ~~H~~ hotel occupancy taxes should not be imposed on services provided by travel agents and online travel companies.

Section 3. {General Rule}

(A) Notwithstanding any other provision of law to the contrary, any tax imposed on or collected in relation to any transient accommodations, whether imposed as a sales tax, a hotel tax, occupancy tax, or otherwise, shall apply solely to amounts received by the operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the public.

(B) Under no circumstances shall a travel agent or intermediary be deemed an operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the public unless such travel agent or intermediary actually operates such a facility.

(C) This section is intended to clarify that taxes imposed as a sales and/or hotel tax, occupancy tax, or otherwise, shall apply solely to amounts received by operators, as enacted in statutes authorizing such taxes.

Section 4. {Effective Date} This Act will become effective immediately upon signature by the Governor.

Adopted by ALEC's ~~Telecommunications & Information~~ Communications and Technology Task Force and the Tax and Fiscal Policy Task Force at the ALEC Annual Meeting on ~~August 6, 2010~~ Thursday July 23, 2015 and Friday, July 24, 2015. Approved by ALEC Board of Directors, ~~September 19, 2010~~. [ADD]

WHEREAS, the State Free File programs are directly tied to the national Policy Agreement underlying the Federal Free File program. The demise of the national IRS program would immediately cascade down to the States. The States would be required to invest in State tax preparation systems to replace the lost free program. And while the Federal Government may have the excess public funds available to engage in this kind of duplication of private sector capabilities, the States do not; and

WHEREAS, the American Legislative Exchange Council is concerned that this imposition of unnecessary and unfunded burden on the States is totally unacceptable; and

WHEREAS, a Government-provided bill presentment tax system would not have all the information necessary to fairly and accurately determine what tax credits and deductions taxpayers and their families may be eligible for, and would therefore result in overpayment of taxes, enabling the tax collector to derive increased revenue receipts from lower and middle income American families who are least able to pay, and that this represents significant conflict of interest in the potential expanded roles of the tax collector; and

WHEREAS, converting the Voluntary Compliance tax system to a bill presentment model and substituting the judgment and objectives of tax collectors for the engagement of our citizens in determining their own fair tax compliance outcomes is not in the public interest; and

WHEREAS, in contrast to return preparation and bill presentment by the Government tax collector, the Free File Program can help eligible taxpayers properly claim the Earned Income Credit, and in so doing make a real difference in helping lift themselves and their families out of poverty. Similarly, Free File can help eligible taxpayers claim the Child and Elder Care Credits, and Retirement Savings Incentives, and minimize their lawful tax liability; and

WHEREAS, the Free File States do not have the fiscal wherewithal to spend billions of dollars in costs to burden their public treasuries with State tax preparation systems to attempt to replace their Free File Programs;

THEREFORE BE IT RESOLVED BY THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL that ALEC strongly recommends that the Congress insist, in the defense of the American taxpayer, that any such proposal by the Executive Branch must be presented to Congress seeking its specific statutory authorization, direction and funding before any such action is taken or attempted by the Federal Government; and

BE IT FURTHER RESOLVED that the Congress act to support the Free File Program, assuring its stability and continuity in service to the nation, as a highly cost-effective solution that protects taxpayer privacy, preserves the independence and objectivity of their tax advice and assistance, and helps ensure that taxpayers fairly receive all the tax credits and deductions they fairly deserve so they do not pay more taxes than they fairly owe; and

BE IT FURTHER RESOLVED that ALEC strongly recommends that the United States Congress then reject any proposal in any form that would convert the current Voluntary Compliance tax system into a Government-provided bill presentment tax system, where the tax collector would expand its role into routinely preparing the tax returns of millions of lower and middle income citizens and present them with an annual tax bill in the form of a pre-completed return, to the disadvantage of taxpayers and in discouragement of those citizens' continued engagement in the tax compliance process in their own financial self-interest; and

BE IT FURTHER RESOLVED, that copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, each member of the Congress of the United States; the Treasury Secretary; the President of the United States; the President of the Senate and the Speaker of the House of the 21 Free File states, the ALEC legislative members of the 21 Free File states; and

BE IT FINALLY RESOLVED, that this Legislative Body urges the United States Congress and the President of the United States to take immediate action on this resolution.

Approved by ALEC Board of Directors on June 29, 2015.

Model State Bill Prohibiting Wireless Handsets in Prisons*

Summary: Most prisons prohibit inmates from possessing mobile phones or wireless handsets due to their ability to communicate with the outside world, which raises concerns about prison security. They provide inmates with the ability to send and receive unauthorized phone calls, email and text messages, use social media, and follow news pertaining to their case. They can also be used to plan an escape or coordinate criminal activity. Therefore, mobile phones and wireless handsets are some of the most smuggled items into prisons. This bill aims to curb the smuggling of mobile phones and wireless handsets into prisons for prohibited uses by establishing penalties for smuggling such devices into a prison in a way consistent with many current states laws and policies.

SEC. xx. PROVIDING OR POSSESSING WIRELESS HANDSETS IN PRISONS.

Chapter __ of title __, Revised Statutes of [State] [prohibiting the provision or possession of contraband in prison], is amended by adding the following:

“SEC. xx. PROVIDING OR POSSESSING WIRELESS HANDSETS.

“Whoever—

“(1) provides to an inmate of a prison a wireless handset, or attempts to do so; or

“(2) being an inmate of a prison, possesses, obtains, or attempts to obtain, a wireless handset;

“shall be fined as provided under this title or imprisoned for not more than one year, or both.

“(b) **DEFINITIONS.—For purposes of this section—**

“(1) the term ‘prison’ means a State correctional, detention, or penal facility or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General;

“(2) the term ‘wireless communications service’ means ‘commercial mobile service’ or ‘personal wireless services’ as such terms are defined in section 332 of the Federal Communications Act of 1934 (47 U.S.C. 332); and

“(3) the term ‘wireless handset’ means a device utilized by a user of wireless communications service in connection with such service.”

Section 3. {Severability clause.}

Section 4. {Repealer clause.}

Section 5. {Effective date.}

Approved by ALEC Board of Directors on June 29, 2015

Travel Agent Tax Fairness Act

Summary

This legislation establishes a sensible framework to eliminate confusion and controversy in the imposition of hotel occupancy taxes on services provided by travel agents and other travel intermediaries. The legislation clarifies that a service which helps travelers to research, compare, and book hotel reservations is not subject to those taxes that are imposed on hotel operators for the provision of a room. By clarifying that taxes imposed as a hotel tax or occupancy tax shall apply only to the amounts received by hotel operators, this legislation will promote continued growth in travel and tourism.

Model Policy

Section 1. {Title} This Act may be cited as the "Travel Agent Tax Fairness Act."

Section 2. {Legislative Findings} The Legislature finds that:

(A) Travel agents and online travel companies provide valuable services to travelers, showing comparisons of rates and amenities offered by multiple, competing hotel operators.

(B) These facilitation services are distinct from the provision of a room by the hotel where the traveler eventually stays.

(C) Travelers rely on travel agents and online travel companies to research, compare, and book reservations.

(D) Hotel occupancy taxes should not be imposed on services provided by travel agents and online travel companies.

Section 3. {General Rule}

(A) Notwithstanding any other provision of law to the contrary, any tax imposed on or collected in relation to any transient accommodations, whether imposed as a hotel tax, occupancy tax, or otherwise, shall apply solely to amounts received by the operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the public.

(B) Under no circumstances shall a travel agent or intermediary be deemed an operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the public unless such travel agent or intermediary actually operates such a facility.

(C) This section is intended to clarify that taxes imposed as a hotel tax, occupancy tax, or otherwise, shall apply solely to amounts received by operators, as enacted in statutes authorizing such taxes.

Section 4. {Severability clause.}

Section 5. {Repealer clause.}

Section 6. {Effective date.}

Approved by ALEC Board of Directors on June 29, 2015.

**Task Force on Communications and Technology
42nd Annual Meeting 2015
Speaker Biographies**

Mr. Tom Giovanetti

The Institute for Policy Innovation

Tom Giovanetti is president of the Institute for Policy Innovation (IPI), a public policy research organization based in Dallas, Texas. Prior to joining IPI in 1992, Mr. Giovanetti was a freelance policy writer and the director of product development for a small manufacturing company in Dallas, where he gained real-world experience in how taxes and regulations affect small business.

Mr. Giovanetti writes for IPI and for other publications on a wide variety of policy topics including tax reform, intellectual property, Social Security personal accounts, communications policy, Internet governance, education reform, the broadband revolution, and out-of-control government spending.

Mr. Giovanetti also testifies before state and federal legislative committees on a variety of topics, and is primarily responsible for fundraising and development for the Institute for Policy Innovation.

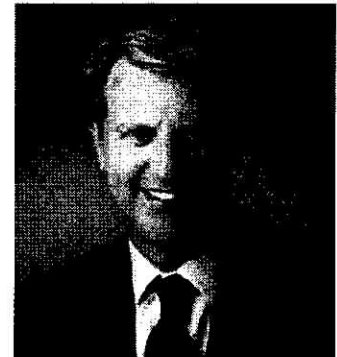


Mr. Adam D. Krinsky

Wilkinson Barker Knauer, LLP

Adam D. Krinsky advises communications providers, equipment manufacturers, and trade associations on strategic, policy, and legal matters and represents their interests before the Federal Communications Commission and the Executive Branch. His practice principally focuses on wireless, broadband, satellite, and competition policy issues.

Adam joined Wilkinson Barker after five years at the FCC, where he held several senior positions. From 1999-2001, he served as Legal Advisor and then Senior Legal Advisor to FCC Commissioner Gloria Tristani. In that capacity, he advised the Commissioner on spectrum-related matters, including wireless and emerging technologies, international telecommunications, and satellite issues. Later, he served as Special Counsel to the FCC's General Counsel, focusing on broadband policy and spectrum matters, as well as homeland security issues. Adam began his career at the FCC in the International Bureau, where he served first as an attorney and then as Senior Legal Advisor to the Bureau Chief. In that capacity, he provided counsel on WTO implementation, foreign market-entry issues, and Internet-related matters. Prior to joining the FCC, Adam practiced telecommunications law in the Washington, DC office of an international law firm.



Mr. Michael J. Santorelli

Advanced Communications Law & Policy Institute, New York Law School

Michael J. Santorelli is a Director of the Advanced Communications Law and Policy Institute (ACLP) at New York Law School. In that capacity, he oversees all aspects of the ACLP's research and scholarly writing, as well as developing and maintaining the ACLP's core program. Michael writes widely on broadband, telecommunications, wireless, and Internet law and public policy issues.



Immediately prior to joining the ACLP, Michael was the Policy Director for the New York City Council's Committee on Technology in Government. As its lead staffer, he was responsible for organizing hearings, preparing policy papers on a diverse array of topics, and advising Council Members on communications issues. Other duties included drafting legislation and working with local stakeholders – corporations, nonprofits, small businesses, and individuals – to develop strategies for spurring the use of new technologies across the city.

Michael received his B.A., cum laude, from Tufts University, and his J.D., cum laude, from New York Law School.